

# Monsanto

DETERGENTS/PHOSPHATES DIVISION

MONSANTO CHEMICALS CO.  
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July 24, 1990

CERTIFIED MAIL

Federal On-Scene Coordinator  
U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Re: Annual Notification of a Continuous Release

Dear Sir or Madam:

Monsanto Company's (Monsanto) Soda Springs, Idaho, facility is hereby providing its annual notice of the claim that releases of radionuclides at that facility are continuous releases that are stable in quantity and rate and thus qualify for the reporting exemption set forth in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 103 (f), 42 U.S.C. Section 9603 (f). One year ago the Soda Springs facility notified the National Response Center ("NRC") of this continuous release of a quantity of radionuclides that exceeds the revised reportable quantity for radionuclides.

This annual notice is being provided as a protective measure in response to the preamble to the Final Rule revising the reportable quantities for radionuclides, which essentially announced a new rule for release reporting under CERCLA Section 103, 54 Fed. Reg. 22524 (May 24, 1989). This "interpretation" of CERCLA's release reporting requirement and other aspects of the radionuclide rule are being challenged in the District of Columbia Circuit Court of Appeals (Fertilizer Institute v. United States Environmental Protection Agency, No. 89-1404 [D.C. Cir.]).

The reported release of radionuclides occurs as a result of the routine stockpiling on the ground of phosphate ore and other ore-derived process streams which contain low levels of natural and unstable atomic species. Monsanto does not agree that such stockpiling actually constitutes a "release" as defined by CERCLA Section 101(22) 42 U.S.C. Section 9601, or that such placement might present a threat to human health or the environment.

Pursuant to the guidance provided by the proposed Continuous Release reporting rule, found in 53 Fed. Reg. 12868, 12874-12875 (April 19, 1990), Monsanto is providing the following annual information concerning the release of radionuclides.

- (1) The substances being released are radionuclides, involving 27 atomic species. The total amount released in the past year is 1371.2 curies.
- (2) The release was stable in quantity and rate because it is, as was explained above, related to production at the facility and the storage of material in stockpiles. The rate of production and storage of material did not change in any significant respect over the course of the year.
- (3) Under the revised reporting requirements and the interpretation of the CERCLA reporting obligation cited above, there was a release above a reportable quantity during every day (24 hour period) of the previous year.
- (4) No statistically significant increases occurred over the year that warranted reporting to the National Response Center.
- (5) The amount of the mean daily release was 3.76 curies and the single largest daily release was 8.42 curies.
- (6) Because there was no change in the release over the year, no statistical test needed to be applied.

All documents, materials and other information used by Monsanto to support the determination that the release of radionuclides qualifies at the Soda Springs facility as an exempt continuous release are maintained at the facility. Notification of releases subject to this exemption will be made annually and at such other times as there is any statistically significant increase in the amount of radionuclides released.

If you require any additional information, please contact me at the Soda Springs Plant, extension 334.

Sincerely,

*Donald R. Wind*

D. R. Wind  
Environmental Specialist

cc: Mr. Henry L. Longest, II, Dir., Office of Emergency Response  
Mr. Lynn McKee, Idaho Operations Office, EPA  
Mr. Joe Nagel, Director, Idaho DEQ